

## NEWSLETTERS

### Commercial Litigation Update - September 2018

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Welcome to the September 2018 edition of the Commercial Litigation Update, an e-publication that features articles authored by the attorneys in Barnes & Thornburg LLP's Commercial Litigation Practice Group. To read an article from this month's edition of the Commercial Litigation Update e-newsletter, click on the hyperlinks in the article below.

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### Federal Rule Changes Coming in December

The U.S. Supreme Court has approved a series of rules changes that will alter several key aspects of federal civil and appellate procedure when they go into effect in December 2018. We're taking a look at a few of the significant changes.

By Mark J. Crandley

### Recent Indiana Economic Loss Rule Cases Address 'Other Property' Damage vs. 'Failed Commercial Expectations'

The economic loss rule generally bars tort claims for recovery of economic losses, therefore limiting recoverable damages to those provided under contract or warranty. While different states' applications of the rule may vary, it often serves as an effective shield for defendants in commercial litigation involving product liability or construction defect claims. Some recent Indiana state and federal court decisions, especially when compared to decisions from other states, set up an interesting dichotomy between the "other property" damage exception to the economic loss doctrine and "failed commercial expectations."

By William E. Padgett

### Conflicts Among Federal and State Wiretap Statutes Present Practical Challenges for Businesses

It may come as a surprise that your office and home security systems, cellphones (and their recordings), and telephones used for conference call purposes could also be considered "eavesdropping devices." This article outlines how your seemingly harmless recordings and transmittals could leave you both criminally and civilly liable for violating either the Federal Wiretap Act (18 U.S.C. § 2520) or a state statute or criminal code.

By Erin Pauley

### District Courts Remain Divided Over Supreme Court Decision in Bristol-Myers Squibb's Applicability to Class

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## Action Claims

Whether a non-resident defendant may be hauled into court by non-resident plaintiffs who have no connection to the forum can have enormous implications, whether tactical, financial, or otherwise. Last year, the U.S. Supreme Court addressed the issue of whether a state court may exercise personal jurisdiction over non-resident defendants in a mass tort action. Read about the California case and its impact on class action litigation.

By Christine Skoczylas & Amy Michelau



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